

**U.S. District Court [LIVE]
Western District of Texas (San Antonio)
CRIMINAL DOCKET FOR CASE #: 5:21-mj-00054-HJB-1**

Case title: USA v. Mazzocco

Date Filed: 01/19/2021

Assigned to: Judge Henry J.
Bemporad

Defendant (1)

Matthew Carl Mazzocco

represented by **Robbie L. Ward**
Law Office Of Robbie Ward
530 Lexington Ave.
San Antonio, TX 78215
2107588500
Email: robbyleaward@yahoo.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

None

Disposition

Highest Offense Level
(Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints

18:1752.P– Knowingly Entering
or Remaining in any Restricted
Building or Grounds Without
Lawful Authority, 40:193C.P–
Violent Entry and Disorderly
Conduct on Capitol Grounds

Disposition

Plaintiff

USA

represented by **Kelly Griffith Stephenson**
 United States Attorney's Office
 601 NW Loop 410, Suite 6600
 San Antonio, TX 78216
 (210) 323-9247
 Email: kelly.stephenson@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark T. Roomberg
 Assistant U.S. Attorney
 U.S. Department of Justice
 601 NW Loop 410
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Page	Docket Text
01/19/2021	<u>1</u>	3	Arrest (Rule 5/Rule 32.1) of Matthew Carl Mazzocco (cd) (Entered: 01/19/2021)
01/19/2021	<u>2</u>	13	Minute Entry for proceedings held before Judge Henry J. Bemporad:Initial Appearance in Rule 5(c)(3)/ Rule 32.1 Proceedings as to Matthew Carl Mazzocco held on 1/19/2021 (Minute entry documents are not available electronically.) (Court Reporter FTR Gold.) (cd) (Entered: 01/19/2021)
01/19/2021	<u>3</u>	15	ORDER SETTING IDENTITY/PRELIMINARY HEARING as to Matthew Carl Mazzocco, (Identity Hearing / Preliminary Hearing set for 1/26/2021 10:00 AM before Judge Richard B. Farrer,). Signed by Judge Henry J. Bemporad. (cd) (Entered: 01/19/2021)
01/19/2021	<u>4</u>	17	ORDER Setting Conditions of Release as to Matthew Carl Mazzocco (1) \$25,000 Unsecured.. Signed by Judge Henry J. Bemporad. (cd) (Entered: 01/19/2021)
01/19/2021	<u>5</u>	21	Unsecured Bond Filed as to Matthew Carl Mazzocco in amount of \$25,000. (cd) (Entered: 01/19/2021)
01/22/2021	<u>6</u>	24	Waiver of Preliminary Hearing by Matthew Carl Mazzocco (Ward, Robbie) (Entered: 01/22/2021)
01/22/2021	<u>7</u>	25	NOTICE OF ATTORNEY APPEARANCE: Robbie L. Ward appearing for Matthew Carl Mazzocco (Ward, Robbie) (Entered: 01/22/2021)

FILED

UNITED STATES DISTRICT COURT

JAN 19 2021

for the
District of ColumbiaCLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERKUnited States of America
v.
Matthew Carl Mazzocco

SA:21-MJ-00054

Case: 1:21-mj-00096

Assigned to: Judge Robin M. Meriweather

Assign Date: 1/17/2021

Description: COMPLAINT W/ARREST WARRANT

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay(name of person to be arrested) Matthew Carl Mazzocco

who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

18 U.S.C. 1752 (a)(1) & (2) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority

40 U.S.C. 5104(e)(2)(D) & (G) - Violent Entry and Disorderly Conduct on Capitol Grounds

Robin M.
MeriweatherDigitally signed by Robin M.
Meriweather
Date: 2021.01.17 14:33:24 -05'00'Date: 01/17/2021

Issuing officer's signature

City and state: Washington, DC

United States Magistrate Judge

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

AO 91 (Rev. 11/11) Criminal Complaint

FILED

UNITED STATES DISTRICT COURT

JAN 19 2021

for the
District of ColumbiaCLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY

DEPUTY CLERK

United States of America
v.

Matthew Carl Mazzocco

) SA 21-mj-00054
) Case: 1:21-mj-00096
) Assigned to: Judge Robin M. Meriweather
) Assign Date: 1/17/2021
) Description: COMPLAINT W/ARREST WARRANT
)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of in the
 District of Columbia, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. 1752 (a)(1), (a)(2)

Knowingly Entering or Remaining in any Restricted Building or Grounds
Without Lawful Authority

40 U.S.C. 5104(e)(2)(D), & (G)

Violent Entry and Disorderly Conduct on Capitol Grounds

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.

 Complainant's signature

Special Agent Tristan E. Hyland, FBI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
 Telephone (specify reliable electronic means).

Date: 01/17/2021

Robin M.
Meriweather

Digitally signed by Robin M.
 Meriweather
 Date: 2021.01.17 14:34:20 -05'00'

Judge's signature

City and state: Washington, DC

United States Magistrate Judge

Printed name and title

Print

Save As...

Attach

Reset

STATEMENT OF FACTS

Your affiant, Tristan E. Hyland, is a Special Agent with Federal Bureau of Investigation. I have been in this position since November of 2019. I am currently assigned to the Joint Terrorism Task Force in the FBI San Antonio Field Division, and previously I was a police sergeant with the Metropolitan Police Department in Washington, D.C. Among my duties, I have been tasked with investigating criminal activity in and around the U.S. Capitol grounds that occurred on January 6, 2021. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of a violation of Federal criminal laws. The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m., members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of

violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

On January 7, 2021, an identified individual (hereinafter "Citizen 1") called the FBI National Threat Operations Center (NTOC) to report an individual who was inside of the U.S. Capitol during the events of January 6, 2021. In the report, Citizen 1 stated that an individual named Matt Mazzocco (MAZZOCCO) posted pictures of himself on Facebook at the U.S. Capitol with the caption, "The capital [sic] is ours!"

A telephone interview was conducted wherein Citizen 1 reported that he does not personally know MAZZOCCO, but he recognized MAZZOCCO because they both belong to the same youth sports league. Citizen 1 was alerted to the postings by several parents in the group and saw MAZZOCCO's posts on the youth sports league group Facebook page. Citizen 1 stated that MAZZOCCO was from San Antonio, Texas, and repeated that he observed several pictures that MAZZOCCO posted of himself on Facebook, one of which showed him standing outside the U.S. Capitol with the caption "The capital [sic] is ours!" Citizen 1 further stated that MAZZOCCO posted a "selfie" photo taken by MAZZOCCO inside the U.S. Capitol showing a view of the U.S. Capitol Rotunda. Citizen 1 did not observe MAZZOCCO with any visible weapons in these photos. According to Citizen 1, MAZZOCCO has since deleted the Facebook photos and posts.

During an in-person follow-up interview on January 11, 2021, Citizen 1 showed agents the youth sports league group Facebook page where he originally saw the photos of MAZZOCCO, as well as a screenshot that Citizen 1 took of MAZZOCCO's post. The photo was a screenshot of a Facebook profile for a "Matt Mazzocco" with a "selfie" photo of MAZZOCCO outside of the U.S. Capitol with the caption, "The capital [sic] is ours!"



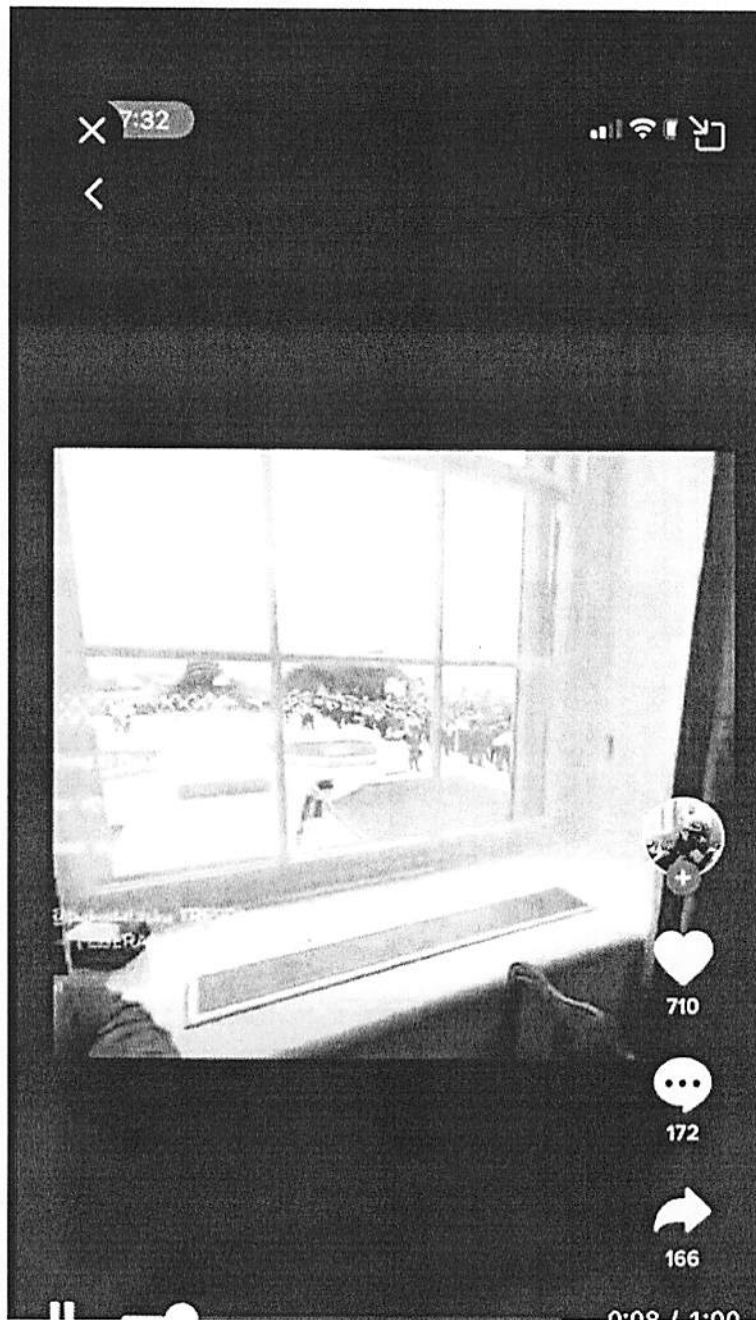
Citizen 1 did not memorialize the photo of MAZZOCCO inside the U.S. Capitol that Citizen 1 previously observed.

In addition to Citizen 1's information, on January 7, 2021, an anonymous individual (hereinafter "Anonymous") called the FBI NTOC to identify MAZZOCCO as possibly involved in the breach of the U.S. Capitol. Anonymous identified MAZZOCCO as a mortgage loan officer for CMG Financial and said that the TikTok user @beccaboostanaccount uploaded a video identifying MAZZOCCO. Your affiant reviewed that video, and within that video is the picture MAZZOCCO uploaded of himself to his Facebook account with the caption, "The capital [sic] is ours!" This is the same post already identified by Citizen 1, corroborating Citizen 1's statements. This video also identified MAZZOCCO as working for CMG Financial.

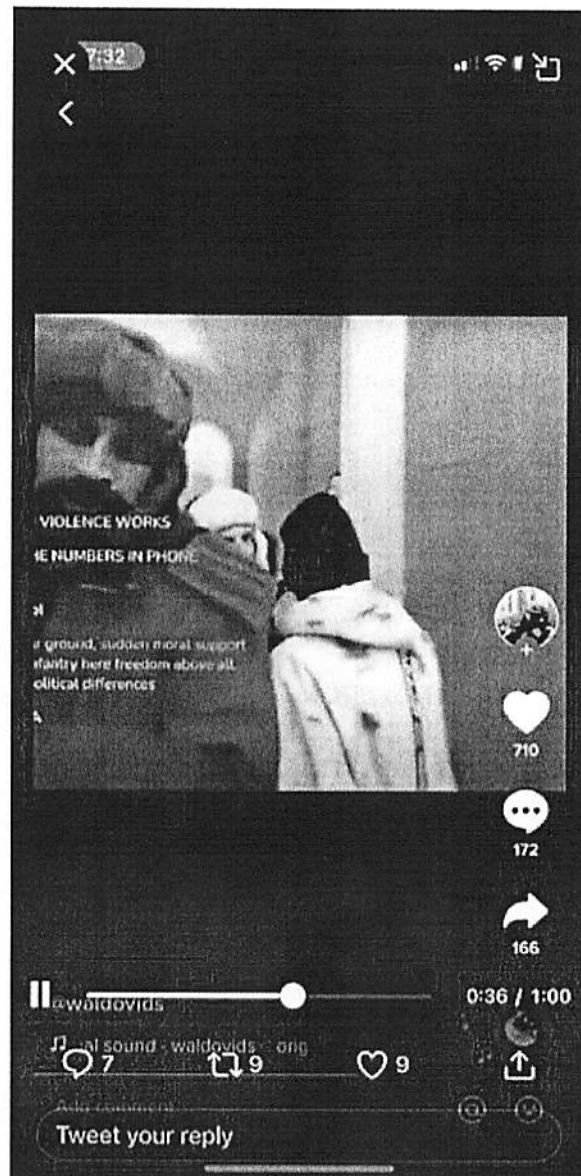
On January 9, 2021, the FBI San Antonio Twitter account (@SanAntonioFBI) was tagged in a Tweet at approximately 8:21 a.m. by user @pence_fly. The Tweet displayed the caption, "This is Matt Mazzocco from San Antonio, TX. You can see him INSIDE the Capitol towards the end of this video." Included with the Tweet was a video of multiple individuals inside of a building that appears to be the U.S. Capitol. Captured on the video is MAZZOCCO, whose face can be seen on video, wearing the same hat and clothing worn in previously identified photos.



At the beginning of the video, several individuals can be seen looking out of a window. Visible through the window is the back of a police line consistent with the police line that formed in the exterior plaza of the U.S. Capitol Building on January 6, 2021.



Towards the end of the video MAZZOCCO can be seen walking through a hallway in which a U.S. Capitol Police Officer is later observed on the video.



MAZZOCCO is seen and heard on the video telling others not to take or destroy anything, and that they were probably going to get in trouble for what they were doing. Audio from the video includes statements from various individuals that people were on the Senate floor.

Historical flight information verified that MAZZOCCO flew from San Antonio, Texas, and arrived at Washington Dulles International Airport on January 5, 2021, at approximately 8:44 p.m. Eastern Standard Time. MAZZOCCO then returned to San Antonio from Washington on January 7, 2021, landing at approximately 9:46 p.m. Central Standard Time.

On January 14, 2021, your affiant interviewed an identified individual (hereinafter "Citizen 2") who worked with MAZZOCCO at CMG Financial and has known him for over 3.5 years. Citizen 2 viewed the Twitter video from inside the U.S. Capitol, and was asked if they could

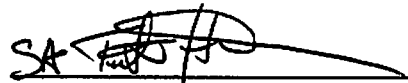
identify anyone in the video. Citizen 2 identified MAZZOCCO as the individual in the video. Citizen 2 stated that they had not seen that video prior to the agents showing it to them. Citizen 2 was shown a second video obtained from YouTube. This video depicts the same time frame and location as the first video but from a different angle. In this video Citizen 2 was not able to say definitively that one of the individuals shown was MAZZOCCO because his face was not visible. Citizen 2 did state that there was an individual in the video wearing the same jacket and hat that MAZZOCCO was wearing, and that it was most likely MAZZOCCO. Citizen 2 also viewed the “selfie” photo MAZZOCCO posted on Facebook and MAZZOCCO’S driver’s license photo, and identified the person in each photograph as MAZZOCCO.

Open source social media research showed multiple Facebook profiles associated with usernames “Matt Mazzoco.” All but one account contained profile pictures that were not consistent with previously seen photos of MAZZOCCO. One account, with vanity name matt.mazzocco.5, did not contain any information including photographs, friends, or postings, and appeared to have been sanitized to remove any content. The FBI utilized a pay-for-service open source collection tool and found that the online username matt.mazzocco.5 was associated with MAZZOCCO, based on certain biographical factors, including phone number, home address, and social security number.

Based on the foregoing, your affiant submits that there is probable cause to believe that MATTHEW CARL MAZZOCCO violated 18 U.S.C. §§ 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a “restricted building” includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that MATTHEW CARL MAZZOCCO violated 40 U.S.C. §§ 5104(e)(2)(D) and (G), which makes it a crime to willfully and knowingly (D) uttered loud, threatening, or abusive language, or engage in disorderly or disruptive conduct with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before or any deliberations of, a committee of Congress or either House of Congress; (G) parade, demonstrate, or picket in any of the Capitol Buildings.

Date: January 17, 2021


Tristan E. Hyland
Special Agent
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 17th day of January 2021.

Robin M. Meriweather
Digitally signed by Robin M. Meriweather
Date: 2021.01.17 14:36:43 -05'00'
U.S. MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

USA

vs.

(1) Matthew Carl Mazzocco

§ Case Number: SA:21-M -00054(1)
§ District of Columbia, Washington - 1:21-mj-00096
§ Date: January 19, 2021
§ Time in Court: 1:53 pm - 2:05 pm (8 min)
§ SWORN ☒
§

PROCEEDING MEMO - INITIAL APPEARANCE

1. ☐ Complaint Filed _____ ☐ Arrest Warrant Issued _____
☐ Indictment _____ (Date)
☐ Information _____
☐ Prob Form 12 _____
☒ Arrested January 19, 2021
Date

☒ Agency FBI

2. COURT PERSONNEL:

Magistrate Judge: HENRY J. BEMPORAD
Courtroom Deputy: Crystal Sosa
Interpreter: No

3. APPEARANCES:

For the United States: STEPHENSON, KELLY - Present
For the Defendant: Robbie L Ward, Present
Address: _____

Phone: _____
Retained ☒ FPD ☐ CJA ☐

4. PROCEEDINGS:

- a. ☒ Defendant found competent.
b. ☒ Defendant informed of and received copy of charging document.
18:1752(a)(1)&(2); 40:5104(e)(2)(D)&(G)
c. ☒ Defendant informed of maximum penalty: 15 yr. 5000
100,000
Ct.1: fine or impr no more than 1 yr or both. Ct.2: fine or impr no more than 6 mos. or both.
d. ☒ Defendant informed of constitutional rights.
e. ☒ Defendant informed of right to Preliminary Examination set for
January 26, 2021 @ 10:00 AM
OR
☐ Hearing to be set and held in charging district/division.
☐ No right to Preliminary Examination. Arraignment set for: _____

4. PROCEEDINGS: (Continued)f. ☒ Defendant informed of right to legal counsel.1) Defendant waives counsel, **OR**☒ 2) Defendant will try to secure counsel and provide name, address of counsel retained, **OR**Robbie L. Ward☐ 3) Defendant requests appointment of counsel.

Defendant has completed financial affidavit orally.

☐ a) Court finds Defendant is financially eligible and orders counsel appointed.**OR Court appoints:**☐ b) Court finds Defendant is financially ineligible and denies request.

Defendant to advise Court by _____ as to name, address of counsel retained.

g. ☒ **PRETRIAL RELEASE:**☐ 1) Government moved for detention under §3124(f).

Detention Hearing set for: _____

☐ 2) Court SUA SPONTE "moves" for detention.

Detention Hearing set for: _____


☐ 3) Temporary detention ordered.

Bond Hearing set for: _____

☒ 4) Court orders Defendant be released on the following conditions:☐ a) Personal recognizance.☒ b) Defendant's bond set at \$25,000.00☒ which is unsecured.☐ which requires _____ % deposit.☐ which requires 100% cash/corporate/surety.☒ c) Additional conditions of release as set forth in Order Setting Conditions of Release.☐ 5) Detention ordered (i.e., Probation Violation).h. ☐ Temporary commitment issuedi. ☐ Preliminary Examination continued/reset toj. ☐ Preliminary Examination heldk. ☐ Probable Cause found**OR**☐ No Probable Cause foundl. ☐ Defendant held to District Courtm. ☐ Defendant waived right to an Identity hearing.n. ☐ Defendant is directed to report to charging district for further proceedings.o. ☐ USMS is directed to immediately transport defendant to charging district for all further proceedings.5. a. ☒ **OTHER PROCEEDINGS**Identity Hearing set for January 26, 2021 at 10:00 AM

FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JAN 19 2021
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

USA
Plaintiff

vs.

(1) Matthew Carl Mazzocco
Defendant

§
§
§
§
§
§

Case Number: SA:21-M -00054(1)

ORDER SETTING IDENTITY/PRELIMINARY HEARING

IT IS HEREBY ORDERED that the above entitled and numbered case is set for **January 26, 2021 at 10: 00 AM, in Courtroom A, on the 4th Floor in the John H. Wood, Jr. United States Courthouse, 655 East Cesar E. Chavez Boulevard, San Antonio, TX.**

IT IS FURTHER ORDERED that the Clerk of Court shall send a copy of this order to the defendant, counsel for defendant, the United States Attorney, U.S. Pretrial Services, United States Probation Office. Further, counsel for the defendant shall notify the defendant of this setting. If the defendant is on bond, he/she shall be present.

IT IS SO ORDERED this January 19, 2021.


HENRY J. BEMPORAD
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

USA	§	WAIVER OF RULE 5 & 5.1 HEARINGS
	§	(Excluding Probation Cases)
vs.	§	
	§	Case Number: SA:21-M -00054(1) HJB
(1) Matthew Carl Mazzocco	§	
<i>Defendant</i>	§	REF: 1:21-mj-00096

I, (1) Matthew Carl Mazzocco understand that in the
District of Columbia/Washington charges are pending
alleging violation of 18:1752(a)(1)&(2)
40:5104(e)(2)(D)&(G)

and that I have been arrested in this district and taken before a United States Magistrate, who informed me of the charge and of my right to:

(1) retain counsel or request the assignment of counsel if I am unable to retain counsel; (2) an identity hearing to determine whether I am the person named in the charge(s); (3) a preliminary hearing (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; (4) request transfer of the proceedings to this district under Federal Rule of Criminal Procedure 20, in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

☐ Identity Hearing.

☐ Preliminary Hearing.

☐ Identity Hearing and I have been informed I have no right to a preliminary examination.

☐ Identity Hearing but request a preliminary hearing be held in the prosecuting district and therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charge is pending against me.

(1) Matthew Carl Mazzocco, Defendant

Date

Robbie L. Ward
Counsel for Defendant

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISIONJAN 19 2021
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____
DEPUTY CLERK

USA

§

ORDER SETTING CONDITIONS OF RELEASE
OF DEFENDANT OR MATERIAL WITNESS

vs.

§

Case Number: SA:21-M -00054(1)

§

(1) Matthew Carl Mazzocco

§

Defendant

IT IS ORDERED that the release of the defendant/material witness is subject to the following conditions:

- (1) The defendant/material witness shall not commit any offense in violation of federal, state or local law while on release in this case. The defendant/material witness shall report as soon as possible, to Pretrial Services or supervising officer, any contact with any law enforcement personnel including, but not limited to, any arrest, questioning, or traffic stop.
- (2) The defendant/material witness shall immediately advise the court, defense counsel and the U.S. Attorney in writing before any change in address and telephone number.
- (3) The defendant/material witness shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant/material witness shall appear at (if blank, to be notified) U.S. Courthouse, Courtroom A, 655 East Cesar E. Chavez Boulevard, SAN ANTONIO, Texas

on _____

Place

Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant/material witness be released provided that:

- () (4) The defendant/material witness promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- (X) (5) The defendant/material witness executes an unsecured bond binding the defendant/material witness to pay the United States the sum of TWENTY-FIVE THOUSAND dollars (\$ 25,000.00) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant/material witness and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant/material witness is subject to the conditions marked below:

- () (6) The defendant/material witness is placed in the custody of:

(Name of person or organization) _____

(Address) _____

(City and state) _____

(Phone) _____

who agree (a) to supervise the defendant/material witness in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant/material witness at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant/material witness violates any conditions of release or disappears.

Signed: _____

Custodian or Proxy

Date

Signed: _____

Custodian or Proxy

Date

DISTRIBUTION: COURT DEFENDANT/MATERIAL WITNESS U.S. MARSHAL

Additional Conditions of Release (cont.)

- (X) (7) The defendant/material witness must:
- (X) (a) report to Pretrial Services as directed.
 - () (b) report to the _____ telephone number _____, no later than _____
 - (X) (c) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property: \$25,000.00 UNSECURED
 - () (d) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described: _____
 - () (e) execute a bail bond with solvent sureties in the amount of \$ _____
 - () (f) maintain or actively seek verifiable employment.
 - () (g) maintain or commence an education program.
 - () (h) surrender any passport to Pretrial Services as directed, or: _____
 - () (i) not obtain a passport or other international travel document.
 - (X) (j) abide by the following restrictions on personal association, residence, or travel: Travel authorized in continental United States with preapproval from Pretrial Services. No travel to Washington, D.C. unless for court related matters. Travel outside the United States will require Judge Bemporad's permission.
 - (X) (k) avoid all contact, directly or indirectly, with any person who is or who may be a victim or witness in the investigation or prosecution, including: _____
 - () (l) obtain medical or psychiatric treatment and/or remain in an institution as follows: _____
 - () (m) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes: _____
 - () (n) reside at a halfway house or community corrections center as designated by Pretrial Services; abide by all conditions and requirements of the facility until terminated by the facility director or Pretrial Services; and remain in custody until space becomes available, and the Appearance Bond is signed; or, if a material witness, reside with a third party custodian as approved by Pretrial Services, in lieu of residing at a community corrections facility or halfway house.
 - (X) (o) refrain from possessing a firearm, destructive device, or other dangerous weapon.
 - () (p) refrain from () any () excessive use of alcohol.
 - (X) (q) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. §802, unless prescribed by a licensed medical practitioner.
 - (X) (r) submit to substance abuse treatment which will include evaluation and testing, education, in-patient or out-patient treatment, and/or participation in support groups such as Alcoholics or Narcotics Anonymous (AA/NA).
 - () (s) at the discretion of the Pretrial Services, submit to substance abuse treatment which may include evaluation, testing, education, in-patient or out-patient treatment, and/or participation in support groups (such as AA/NA).
 - (X) (t) submit to testing for a prohibitive substance as required by the Pretrial Services Office or supervising officer. Testing may be random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.
 - () (u) have installed on your vehicle an ignition interlock system as directed by Pretrial Services; drive no other vehicle while on pretrial release; abide by all conditions and requirements of the ignition interlock system program; and not disconnect the ignition interlock system without prior permission from Pretrial Services.
 - () (v) participate in one of the following Location Monitoring Programs and comply with the requirements of the program which () will or () will not include wearing a tracking device or other form of location verification system:
 () At the discretion of Pretrial Services (PTS); () Global Position System (GPS); () Radio Frequency Monitoring (RF); () Voice Recognition (VR);
 Location verification systems require that you maintain a telephone (land line) at your residence without any special features such as "call waiting, call forwarding or caller ID". Cordless telephones are not permitted, unless approved by the Pretrial Services Officer.
 - () (i) Curfew. You are restricted to your residence every day () from _____ to _____, or () as directed by the Pretrial Services Office or supervising officer; or
 - () (ii) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligation; or other activities approved in advance by the Pretrial Services office or supervising officer; or
 - () (iii) Home Incarceration. You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.
 - () (w) Stand Alone Monitoring (SAM): Requires the use of Global Positioning System (GPS) tracking to monitor and enforce any other condition(s) of release (e.g., travel restrictions) Note: Not recommended for high risk defendants.
 - () (x) the following person(s) sign as () surety and/or () third party custodian on the Appearance Bond: _____
 - () (y) _____
 - () (z) _____

- (8) IT IS FURTHER ORDERED that the defendant/material witness shall be responsible for any costs of participation in court-ordered programs based on his/her ability to pay as determined by Pretrial Services, and make timely payment if required by any "Order Directing Payment of Attorney's Fees."
- (9) IT IS FURTHER ORDERED that if the Court has ordered herein any testing, such as substance testing, or monitoring, such as electronic monitoring, the defendant/material witness shall refrain from obstructing or attempting to obstruct or tamper in any fashion with the efficiency and accuracy of such testing and devices.

Advice of Penalties and Sanctions

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

DEFENDANTS:

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of 15 years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than 15 years or more, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

MATERIAL WITNESSES:

If after release, you knowingly fail to appear as required by the conditions of release, you may be prosecuted for failing to appear and may be fined not more than \$100,000 and imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgement of Defendant/Material Witness

I acknowledge that I am the defendant/material witness in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

AGREED, IF APPLICABLE

Assistant U.S. Attorney

Attorney for Defendant/Material Witness


Signature of Defendant/Material Witness

AS APPROVED BY THE COURT

Address

City and State

Telephone

Social Security Number

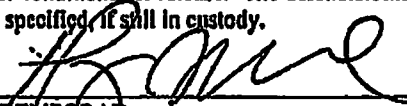
Date of Birth

Directions to United States Marshal

- ☒ The defendant/material witness is ORDERED released after processing.
- ☐ The United States Marshal is ORDERED to keep the defendant/material witness in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant/material witness shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date

1/19/2021


HENRY J. BEMPORAD
UNITED STATES MAGISTRATE JUDGE

- (8) IT IS FURTHER ORDERED that the defendant/material witness shall be responsible for any costs of participation in court-ordered programs based on his/her ability to pay as determined by Pretrial Services, and make timely payment if required by any "Order Directing Payment of Attorney's Fees."
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AGREED, IF APPLICABLE

Assistant U.S. Attorney

Attorney for Defendant/Material Witness

X

Signature of Defendant/Material Witness

AS APPROVED BY THE COURT

Address

City and State

Telephone

Social Security Number

Date of Birth

Directions to United States Marshal

- (X) The defendant/material witness is ORDERED released after processing.
- () The United States Marshal is ORDERED to keep the defendant/material witness in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant/material witness shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date

1/19/2021

HENRY J. BEMPORAD
UNITED STATES MAGISTRATE JUDGE

FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JAN 19 2021
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature] DEPUTY CLERK

USA

§
§
§
§
§

vs.

Case Number: SA:21-M -00054(1)

(1) Matthew Carl Mazzocco
Defendant

APPEARANCE BOND**Defendant's Agreement**

I **(1) Matthew Carl Mazzocco** (defendant), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- ☒ to appear for court proceedings;
☒ if convicted, to surrender to serve a sentence that the court may impose; or;
☒ to comply with all conditions set forth in the Order Setting Conditions of Release.

Type of Bond

- ☐ (1) This is a personal recognizance bond.
- ☒ (2) This is an unsecured bond of \$ 25,000.00.
- ☐ (3) This is a secured bond of \$ _____, secured by:
- ☐ (a) \$ _____, in case deposited with the court.
- ☐ (b) the agreement of the defendant and each surety to forfeit the following cash or other property (describe the cash or other property, including claims on it - such as a lien, mortgage, or loan - and attach proof of ownership and value):

 If this bond is secured by real property, documents to protect the secured interest may be filed of record.

- ☐ (c) a bail bond with a solvent surety (attach a copy of the bail bond, or describe it and identify the surety):
- _____

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

Release of the Bond. The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

Declarations

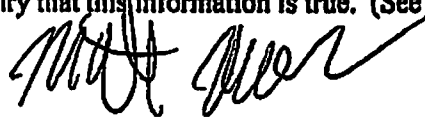
Ownership of the Property. I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

Acceptance. I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: 01/19/2021

X 
 Defendant's signature

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

CLERK OF COURT

Date: 01/19/2021

Signature of Clerk or Deputy Clerk

Approved.

Date: 01/19/2021


 Judge's signature

Release of the Bond. The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

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Date: 01/19/2021

X

Defendant's signature

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

CLERK OF COURT

Date: 01/19/2021

Signature of Clerk or Deputy Clerk

Approved.

Date: 01/19/2021



Judge's signature

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

USA	§	WAIVER OF RULE 5 & 5.1 HEARINGS
	§	(Excluding Probation Cases)
vs.	§	
	§	Case Number: SA:21-M -00054(1) HJB
(1) Matthew Carl Mazzocco	§	
Defendant	§	REF: 1:21-mj-00096

I, (1) Matthew Carl Mazzocco understand that in the
District of Columbia/Washington charges are pending
alleging violation of 18:1752(a)(1)&(2)
40:5104(e)(2)(D)&(G)

and that I have been arrested in this district and taken before a United States Magistrate, who informed me of the charge and of my right to:

(1) retain counsel or request the assignment of counsel if I am unable to retain counsel; (2) an identity hearing to determine whether I am the person named in the charge(s); (3) a preliminary hearing (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; (4) request transfer of the proceedings to this district under Federal Rule of Criminal Procedure 20, in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

☒ Identity Hearing.

☒ Preliminary Hearing.

☐ Identity Hearing and I have been informed I have no right to a preliminary examination.

☐ Identity Hearing but request a preliminary hearing be held in the prosecuting district and therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charge is pending against me.

Date

1/22/2021

(1) Matthew Carl Mazzocco, Defendant

Robbie L. Ward
Counsel for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA
Plaintiff,

V.

MATTHEW CARL MAZZOCCO
Defendant.

§
§
§
§
§
§
§

CASE NO. SA:21-MJ-00054(1)HJB

REF: 1:21-MJ-00096

NOTICE OF APPEARANCE

**TO THE HONORABLE UNITED STATES JUDGE FOR THE WESTERN
DISTRICT OF TEXAS, SAN ANTONIO DIVISION:**

Enter my appearance as Counsel in said case for Defendant, MATTHEW MAZZOCCO.

I certify that I am licensed to practice in this Honorable Court.

SIGNED this the 22nd day of January, 2021.

Respectfully submitted

ROBBIE L. WARD
SBN: 24033435
530 LEXINGTON AVE
San Antonio, Texas 78215
Tel: (210) 758-2200

_____/s/
ROBBIE L. WARD

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing Notice of Appearance was electronically filed with the Clerk of this Honorable Court using the CM/ECF system which will send notification electronically to KELLY STEPHENSON, Assistant United States Attorney.

SIGNED on this the 22nd day of January 2021.

_____/s/
ROBBIE L. WARD